

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DUDLEY P. GILBERT,

Plaintiff,

-vs-

Docket No: 07-CV-0743 (WMS)

NEW YORK STATE POLICE and WAYNE E.
BENNETT, INDIVIDUALLY AND AS PAST
SUPERINTENDENT OF THE NEW YORK
STATE POLICE,

Defendants.

NOTICE OF MOTION FOR SUMMARY JUDGMENT

MOTION BY:

Defendants

RELIEF SOUGHT:

Summary Judgment pursuant to FRCP 56

WHEN RETURNABLE:

As directed by the Court

WHERE RETURNABLE:

Honorable William M. Skretny
United States Courthouse
68 Court Street
Buffalo, New York 14202

SUPPORTING PAPERS:

Memorandum of Law; Statement of
Undisputed Facts; Declaration of George
Michael Zimmermann, with Exhibits; and
Declaration of Wayne Bennett.

Please Take Notice that any papers in opposition to this Motion shall be filed and served at least (8) days prior to the return date as the defendants intend to file reply papers.

Dated: Buffalo, New York
December 11, 2009

ANDREW M. CUOMO
Attorney General of the State of New York
Attorney for Defendants
BY:

/s/ George Michael Zimmermann
GEORGE MICHAEL ZIMMERMANN
Assistant Attorney General, of Counsel
Main Place Tower, Suite 300A
350 Main Street
Buffalo, New York 14202
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George.Zimmerman@oag.state.ny.us

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2009, I electronically filed the Notice of Motion, Memorandum of Law; Statement of Undisputed Facts; Declaration of George Michael Zimmermann, with Exhibits; and Declaration of Wayne Bennett, in this matter, with the Clerk of the District Court using its CM/ECF system and thereby provided service on the following CM/ECF participant:

Gerald T. Walsh, Esq.
Zdarsky, Sawicki & Agostinelli
404 Cathedral Place
298 Main Street
Buffalo, NY 14202
(716) 855-3200
gtwalsh@zsa.cc

And, I hereby certify that I have mailed the foregoing, by the United States Postal Service, to the following non-CM/ECF participants:

None

DATED: Buffalo, New York
December 11, 2009

/s/ George Michael Zimmermann
GEORGE MICHAEL ZIMMERMANN
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